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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,114	11/25/2003	Steven Shepley	D-1182 R2	6189
28995	7590	11/02/2004	EXAMINER	
RALPH E. JOCKE 231 SOUTH BROADWAY MEDINA, OH 44256			HESS, DANIEL A	
ART UNIT	PAPER NUMBER			
	2876			

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/721,114	SHEPLEY ET AL. <i>[Handwritten Signature]</i>	
	Examiner	Art Unit	
	Daniel A Hess	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 12 February 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-4, 10-15 and 17-20 is/are rejected.
 7) Claim(s) 5, 8, 9 and 16 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1.) Certified copies of the priority documents have been received.
 2.) Certified copies of the priority documents have been received in Application No. _____.
 3.) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____

DETAILED ACTION

Remark

This action is in response to applicant's 2/12/2004 initial filing.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, the term "non-standard" is vague because no standard is recited to which conformity is lacking.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-4, 6, 7, 10, 11, 13-15 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coutts (US 5,563,393) in view of Enta (US 5,983,197).

Re claim 1: See column 1, lines 35-60 of Coutts for an overview. See figure 1: an ‘operator interface device’ (hereinafter OID) 12 is shown, which an operator can use to interact with an ATM 10. Note that two embodiments are discussed (a) the ATM transmits its state to the OID unprompted, and (b) the ATM indicates its state in response to a query by the OID. For the sake of the instant claim, attention is drawn to (b), notably column 6, lines 15-28, wherein the

handheld device requests diagnostic data. The conveyance of diagnostic data through a controller 45 to the diagnostic article / OID 12 is clearly shown in figure 2.

Coutts lacks a teaching of direct contact; instead, radio transceivers are employed.

Enta teaches (entire document) diagnostics of ATMs wherein communications are by contact. In addition, much prior art (such as for example wired and wireless keyboards, wired and wireless networks, and wired and wireless telephony) illustrated that contact and non-contact varieties of data exchange can be interchanged.

In view of Enta's teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the old and well-known contact-based communications because these are more secure than wireless.

Re claim 2: Again, see column 6, lines 15-28.

Re claim 3: See column 5, lines 18-25 of Coutts.

Re claims 4 and 6: Coutts recites (column 3, lines 46-50), in addition to a security card, 'Any other suitable security means' may be utilized.

The use of secret codes is an established security tool for access to many systems, including atm's, cell phones, and generally all communications systems involving encryption.

One would have been motivated to include this or any other security naturally to resist fraud.

Re claim 7: See column 3, lines 30-50 of Coutts: instructions are provided that correspond to service manual data.

Re claim 10: See column 3: An interface indicative of the ‘state of health’ of the ATM is brought up in response to a signal from the ATM. The interface is broadly a browser because it is software that allows a user to browse through manual information one piece at a time.

Re claim 11: This is generally the case: the interface software of the interface device receives indicia (i.e. data) indicating the state of the banking machine and the interface devices process this to provide state information and repair instructions to service personnel.

Re claim 13: See column 6, lines 15-30: The operator uses the device to query the machine. This data is provided to the CPU of the ATM by various sensors, as can be seen in figure 2.

Re claim 14: Column 5 (throughout) discusses how the handheld diagnostic devices provide instructions for remedial actions.

Re claim 15: The diagnostic article of Coutts is clearly intended to interact with ATM machines directly that have been equipped correspondingly, and not with other computer systems.

Re claim 18: There is output of diagnostic data in response to codes indicating particular service conditions. The term ‘indicating significance of....’ is confusing and is not granted patentable weight.

Re claim 19: Diagnostic data is stored on the ATM, where it is output upon query in at least one embodiment (column 6, lines 15-30). This diagnostic data will be communicated only with the diagnostic tool. Note that security features are present: see Coutts (column 3, lines 46-50). These security features will generally limit the output of diagnostic data to the time of data exchange.

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Re claim 20: Coutts discusses (column 5, line 18) 'currency jamming' being remedied, which clearly has to do with transaction functions.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Coutts as modified by Enta as applied to claim 1 above, in view of Simmons (US 6,765,593).

Coutts as modified by Enta fails to teach that diagnostic data is stored on a CD Rom. Simmons (column 5, lines 46-47) provides one of many examples of user assistance data being provided on a CD ROM.

In view of Simmons' teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the old and well-known CD for storing manual data (or other related data) because a CD has large storage, and further, is updateable.

Allowable Subject Matter

Claims 5, 8, 9 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Re claim 5: The prior art fails to teach or fairly suggest that a controller limits access to diagnostic data based on a combination of a secret code and a current data.

Re claim 8: The prior art fails to teach or fairly suggest that encryption and decryption of diagnostic data on the banking machine takes place.

Re claim 9: Depends from claim 8, above.

Re claim 16: The prior art fails to teach or fairly suggest the limitations of claim 16 taken in combination with all intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Suer et al. (US 6,431,439), Gill et al. (US 6,279,826), Trelawney et al. (US 6,789,730) and Trelawney et al. (US 6,676,018) are relevant; in three of these cases the assignee is that of the instant invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel A Hess whose telephone number is (571) 272-2392. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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DH

DANIEL STCYR
PRIMARY EXAMINER

